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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,146	08/27/2003	Marius Buibas	200207627-1	5049

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EXAMINER

ADAMS, GREGORY W

ART UNIT PAPER NUMBER

3652

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/649,146

Applicant(s)

BUIBAS ET AL.

Examiner

Gregory W. Adams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-14 and 20-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-14 and 20-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, with respect to claim 23 the multiple belts as well as rollers and slides must be shown on the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. "...the top surface is not engaged by any other overlying structure..." in line 5 implies that there is at least one overlying structure engaging a top surface and no more than the at least one. The Examiner assumes that Applicant means that no overlying structure engages an entirety of a tray top surface as disclosed in the Figures.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 4-6, 20 & 25-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Komori (US 3,919,972) (previously cited).

With respect to claim 1, 25, Komori discloses a backstop, tray 5, biasing means 6, base member 1 & hinge 12 wherein a tray 5 is configured such that an entirety of a top surface is not engaged by any other overlying structure prior to receiving an object as shown in FIG. 3.

With respect to claim 4, Komori discloses a base member 1.

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With respect to claim 5, 20, Komori discloses bias means 6 disposed between a tray 5 and base member 1, and further discloses a bias means 6 that extends below a tray.

With respect to claim 6, Komori discloses a hinge 12.

With respect to claim 26, Komori does not disclose a method, but discloses an apparatus that could be used to perform a method including a tray, backstop and bias means supporting a tray and further a tray that pivots against a bias. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Komori to perform a method comprising:

dropping an object onto a tray such that an object engages a backstop and falls across and over a bias beneath a tray resiliently supporting a tray, and

pivoting a tray against a bias in response to impact of the object with the tray, as per the teachings of Komori, to catch paper.

2. Claims 1-8, 10-14 & 20-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Gaissmaier et al. (WO99/41021).

With respect to claim 1, 8, 22, 25, Gaissmaier et al. disclose a back stop 9, tray 4, bias means 3 and further discloses a tray 4 having a first position at a first angle and a second position at a second angle. C2/L43-45.

With respect to claim 3, Gaissmaier et al. disclose a back stop 9 pivotable about vertex.

With respect to claim 4 & 11, Gaissmaier et al. disclose a base 6.

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With respect to claim 5 & 12, Gaissmaier et al. disclose a bias means between tray 4 and base 6.

With respect to claim 6 & 13, Gaissmaier et al. disclose a hinge.

With respect to claim 7, 14 & 23, Gaissmaier et al. disclose a conveyor 2 comprising a conveyor belt 2.

With respect to claim 10, Gaissmaier et al. disclose a backstop 7 that does not pivot with a tray 4.

With respect to claims 20, 21 & 24, Gaissmaier et al. disclose a bias means 3 that extends below a tray 4 and a tray configured to catch objects.

With respect to claims 26, Gaissmaier et al. disclose a method comprising dropping an object such that an object engages a backstop 7, 9 and falls across and over a bias and pivoting a tray 4.

With respect to claims 27-28, Gaissmaier et al. disclose a method wherein a tray 4 pivots from a first position having a first angle with a backstop and a second position having a second angle with a backstop.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Komori in view of Kim (US 2002/0084576) (previously cited). Komori does not disclose the

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backstop pivotal about the vertex of the tray and the backstop. Kim teaches pivotally mounting a back stop (32 or 132) so as to be "pivotal about the vertex of the tray (31 or 131) and the back stop (32 or 132)" for the purpose of providing for a means to slant a stack of sheets thus enabling easier receiving and arranging of paper in a cassette body. Paras. [0007-0010]. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Komori to include a vertex pivotal backstop, as per the teachings of Kim, to make easier paper receiving and arranging.

Response to Arguments

Applicant's arguments filed May 30, 2006 with respect to claims 1, 3-6, 9 & 19 have been fully considered but they are not persuasive. Applicant's amendments/arguments filed May 30, 2006 with respect to the rejection(s) of claim(s) 2, 7-8, 10-14 & 20-24 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Gaissmaier et al.

With respect to Komori, the Examiner does not agree with Applicant's interpretation. Komori's FIG. 3 clearly shows an embodiment wherein a top surface is not engaged by any other structure.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

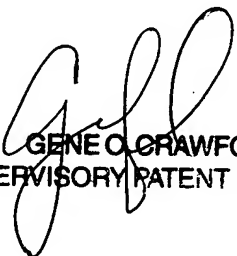
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (571) 272-8101. The examiner can normally be reached on M-Th., 8:00-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GWA


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SUPERVISORY PATENT EXAMINER